IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2400 of 2007

Atle varsha Bhikanrao & ors. .. Petitioners

versus

State of Maharashtra & ors. .. Respondents

...

Mr.R.S. Apte with N.R. Bubna for the petitioners.

Mr.A.A. Kumbhakoni Associate Advocate General with Mr.A.H. Palekar, AGP for respondent no.2.

Mr.Kiran Gandhi i/b M/s.Little & Co. for respondent no.3.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 26th July 2007.

P.C.:

. Heard.

2. The petitioners are the students of the

D.Ed. course. It is a two year course. As per the prospectus which was published in the year 2004 which is annexed at page 45, Exhibit-I to the affidavit in reply, it is provided that the candidate who has failed in two or less subjects in the first year of the examination will be allowed to keep terms for the second year. That means that failure in maximum of two subjects was permissible in order to keep the terms of the second year. However in the present matter, petitioners have failed in more than two subjects and therefore they are not entitled to keep terms for the second year. The grievance of the petitioners is that the criteria of failure in maximum of two subjects was challenged by G.R. dated 3rd February 2007 and they are not governed by the said rule and they are entitled to keep the terms for the second year. However we find that the rule was in force since the year 2004 as is evident from the prospectus. The grievance of the petitioners that they were not aware of the said rule cannot be taken into consideration because the ignorance of the rule or the law cannot be an excuse.

3. The petitioners are going to be teachers if they complete the D.Ed course and they will be educating future generations of this country and

therefore they should be more meritorious students and to grant the benefit as claimed by them is not just and proper in the facts and circumstances of the case.

4. Under these circumstances, we do not find any substance in the petition. Petition is rejected. Interim relief is hereby vacated.

(D.G. KARNIK, J) (S.B. MHASE, J)